

# The Vermont Statutes Online

## Title 18: Health

### Chapter 46: NURSING HOME ADMINISTRATORS

#### § 2051. Definitions

For the purposes of this chapter, unless the context otherwise clearly requires:

- (1) "Director" means the director of the office of professional regulation.
- (2) "Nursing home" means any institution or facility, whether proprietary or nonproprietary, defined as a nursing home for licensing purposes pursuant to subdivision 2002(7) of this title, or the equivalent facility or facilities as defined by the secretary of the United States Department of health and human services.
- (3) "Nursing home administrator" means a person who is duly licensed by the director and who is charged with the general administration of a nursing home whether or not the individual has an ownership interest in the home and whether or not his or her functions and duties are shared with one or more other individuals.
- (4) [Deleted.] (Added 1969, No. 248 (Adj. Sess.), § 2, eff. April 1, 1970; amended 2005, No. 27, § 9; 2007, No. 29, § 3.)

#### § 2052. Advisor appointees

- (a) The secretary of state shall appoint two advisors as set forth in 3 V.S.A. § 129b. One of the initial appointments may be for less than a five-year term. One of the appointees shall have not less than three years' experience as a nursing home administrator immediately preceding appointment and shall be actively engaged in nursing home administration in Vermont during incumbency. The other appointee shall have not less than three years' experience as a licensed health care provider engaged in the care of the chronically ill.
- (b) The director shall seek the advice of the advisors in carrying out the provisions of this chapter. Advisor appointees shall be entitled to compensation and necessary expenses in the amount provided in 32 V.S.A. § 1010 for attendance at any meeting called by the director for this purpose. (Added 1969, No. 248 (Adj. Sess.), § 2, eff.

April 1, 1970; amended 1973, No. 72, §§ 1, 2, eff. July 1, 1973; 1989, No. 251 (Adj. Sess.), § 2; 1997, No. 40, § 14; 1999, No. 133 (Adj. Sess.), § 34; 2005, No. 27, § 10; 2007, No. 29, § 3.)

### **§ 2053. Director; duties; powers**

(a) The director shall:

- (1) set requirements for licensure;
- (2) provide general information to applicants;
- (3) explain complaint and appeal procedures to licensees, applicants, and the public;
- (4) receive applications for licensure; license applicants under this chapter; renew licenses; and revoke, reinstate, or condition licenses as ordered by an administrative law officer.

(b) The director may:

- (1) adopt rules concerning continuing education requirements;
- (2) adopt rules necessary to perform his or her duties under this chapter;
- (3) adopt rules of professional conduct. (Added 1969, No. 248 (Adj. Sess.), § 2, eff. April 1, 1970; amended 2005, No. 27, § 11; 2007, No. 29, § 3.)

### **§ 2054. Exclusive jurisdiction of the director**

The director, with the advice of the advisors appointed under this chapter, shall have exclusive authority to determine the qualifications, skill, and fitness of any person to serve as an administrator of a nursing home under the provisions of this chapter, and a licensee under the provisions of this chapter shall be qualified to serve as the administrator of a nursing home. (Added 1969, No. 248 (Adj. Sess.), § 2, eff. April 1, 1970; amended 2007, No. 29, § 3.)

### **§ 2055. General requirements for licensure**

A person may not practice nursing home administration in this state unless:

- (1) the applicant has made written application for license to the director, accompanied by satisfactory proof that he or she is at least 18 years of age and is not in violation of the rules regarding this profession or Vermont law;

(2) in the judgment of the director, the applicant has satisfactorily completed a course of instruction or training and met the requirements adopted by rule; or

(3) the applicant has passed an examination administered by the director or his or her designee which is designed to test for proficiency and competence and an examination covering Vermont statutes and rules relating to nursing home administration. (Added 1969, No. 248 (Adj. Sess.), § 2, eff. April 1, 1970; amended 2005, No. 27, § 12; 2007, No. 29, § 3.)

2056. mitted.].

### **§ 2057. Licensing**

(a) The director shall license nursing home administrators in accordance with rules adopted, and from time to time revised. A nursing home administrator's license may not be transferred and shall be valid until surrendered for cancellation or suspended or revoked for violation of this chapter or any other laws or regulations relating to the proper administration and management of a nursing home. Denial of issuance or renewal, suspension, or revocation under any section of this chapter shall be appealable in the manner provided in 3 V.S.A. § 130a.

(b) Every holder of a nursing home administrator's license shall renew it biennially, by making application to the director. Renewals of licenses shall be granted as a matter of course, unless an administrative law officer finds, after due notice and hearing, that the applicant has acted or failed to act in such manner, or under circumstances, as would constitute grounds for suspension or revocation of a license. The director may by rule require that a license holder complete not more than 40 hours of approved instruction every two years as a condition of renewal. (Added 1969, No. 248 (Adj. Sess.), § 2, eff. April 1, 1970; amended 1971, No. 185 (Adj. Sess.), § 186, eff. March 29, 1972; 1993, No. 108 (Adj. Sess.), § 16; 2007, No. 29, § 3.)

### **§ 2058. License fees**

Applicants and persons regulated under this chapter shall be subject to the following fees:

(1) Application \$325.00

(2) Biennial renewal \$400.00

(Added 1969, No. 248 (Adj. Sess.), § 2, eff. April 1, 1970; amended 1975, No. 118, § 91, eff. July 1, 1975; 1989, No. 250 (Adj. Sess.), § 86; 1991, No. 167 (Adj. Sess.), § 58; 1997, No. 59, § 46, eff. June 30, 1997; 1999, No. 49, § 168; 2001, No. 143 (Adj. Sess.), § 18, eff. June 21, 2002.)

### **§ 2059. Licensure by endorsement**

The director may issue a nursing home administrator's license, without examination for proficiency and competence, to any person who holds a current license as a nursing home administrator from another jurisdiction, provided that the director finds that the standards for licensing in the other jurisdiction are substantially equivalent to those in this state. (Added 1969, No. 248 (Adj. Sess.), § 2, eff. April 1, 1970; amended 2005, No. 27, § 13; 2007, No. 29, § 3.)

### **§ 2060. Violations and penalties**

A person who practices, or offers to practice, nursing home administration in this state, without being licensed in accordance with this chapter; or any person presenting or attempting to use as his or her own the license of another; or a person who gives any false or forged evidence of any kind in attempting to obtain a license; or a person who falsely impersonates another licensee; or a person who attempts to use an expired or revoked license or any person who violates any of the provisions of this chapter, shall be subject to the penalties provided in 3 V.S.A. § 127(c). (Added 1969, No. 248 (Adj. Sess.), § 2, eff. April 1, 1970; amended 2007, No. 29, § 3.)

### **§ 2061. Provisional license**

In the event of the inability of the regular licensed administrator of a nursing home to perform his or her duties or if, through death or other causes a nursing home is without a licensed administrator, a provisional administrator may, in the discretion of the director, be issued a provisional license to administer that home for a period not to exceed 90 days from the date on which the regular licensed administrator first ceased to perform his or her duties. The director shall not renew such a provisional license, nor shall the director issue a provisional license to any other person to administer a home which has been administered for the preceding 90 days by a provisional administrator. (Added 1973, No. 72, § 4, eff. July 1, 1973; amended 2005, No. 27, § 14; 2007, No. 29, § 3.)